THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11332 of 2007

12.6.2007

Between:

Dandem Pratap Reddy, S/o.Dandem Sathi Reddy
And another

… Petitioners

AND

The Mandal Revenue Officer, Ibrahimpatnam Mandal,
Ranga Reddy District

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11332 of 2007

ORDER:

Two petitioners (second petitioner is wife of first petitioner) seek a direction to respondent to consider their application and issue Pattadar Pass Book (PPB) and Title Deed (TD) in respect of the land admeasuring Acs.1.00 in survey No.628/A situated at Bagayath Ibrahimpatnam village in Ranga Reddy District. They allege that they approached the respondent on 20.3.2006 for PPB and TD. They claimed Dandem Ranga Reddy is original owner and after his death they succeeded to the property. The Mandal Revenue Officer (MRO), Ibrahimpatnam Mandal, issued proceedings bearing No.B/3674/2006 dated 07.8.2006 to the effect that the petitioners are entitled for PPB and TD and also for necessary amendment under Section 5(2) of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. The petitioners therefore alleged that non-issue of PPB pursuant to such proceedings is illegal and arbitrary.

The case was initially heard on 05.6.2007. To enable the learned Counsel for petitioners to produce a copy of the application said to have been submitted by the petitioners to the MRO, the matter was adjourned. Today after getting instructions learned Assistant Government Pleader for Revenue (General-T) submits that Smt.D.Sunanda, W/o.Dandem Ranga Reddy, filed declaratory decree in O.S.No.376 of 2006 on the file of the Court of the Junior Civil Judge, Ibrahimpatnam, and therefore PPB cannot be issued to the petitioners. He also placed reliance on subrule (4) of Rule 27 of Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989, which reads as under.

> 27. (4) Whenever a court decree about acquisition of title by purchase of land through deeds on plain paper or by oral purchase is received from court or presented to the Mandal Revenue Officer for implementing and incorporating

changes in the Record of Rights and Pattadar Pass Books, the Mandal Revenue Officer shall incorporate changes in the Record of Rights and Pattadar Pass Book, based on court decree only after collection of stamp duty and registration fee on the sale price of the land or market value of the land whichever is higher. If the person seeking executing of Court decree claims that he had already paid proper and adequate stamp duty in the Court and produces certificate issued by the Court to this effect and other evidence to the satisfaction of Mandal Revenue Officer, the Mandal Revenue Officer shall demand and collect only registration fee and incorporate changes in the Record of Rights and Pattadar Pass Books. If the decree is received or produced by or before a Registration Officer or other Officers, these officers shall immediately send these decrees to the concerned Mandal Revenue Officer for necessary action.

A perusal of the above provision would show that whenever a declaratory decree regarding title to the property is produced, Recording authority shall have to incorporate necessary changes the record of rights and issue PPBs based on the Court decree only. Therefore, a direction as sought cannot be granted to the petitioners. This Court further observes that the respondent may communicate a copy of the order to that effect to the petitioners in due course of time.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

June 12, 2007.
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